

United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

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|------------------------------|---|---------------------------|
| SECURITIES AND EXCHANGE |) | Case No.: 10-CV-04535-LHK |
| COMMISSION, |) | |
| |) | ORDER DENYING AS MOOT |
| Plaintiff, |) | DEFENDANT ALEXANDER'S |
| v. |) | MOTION TO STAY |
| |) | |
| BARBRA ALEXANDER, BETH PINA, |) | |
| MICHAEL E. SWANSON, AND APS |) | |
| FUNDING, INC., |) | |
| |) | |
| Defendants. |) | |

On December 27, 2010, Defendant Barbra Alexander moved to stay discovery and her Answer to the Complaint, pending the resolution of a parallel criminal proceeding. Alexander's motion is virtually identical to a motion to stay previously filed by Michael Swanson, who is also a defendant in this civil enforcement action and the parallel criminal proceeding. On December 22, 2010, the Court granted Swanson's motion to stay all discovery, including the Answers and initial disclosures of all Defendants, subject to case-by-case exceptions for third-party investor witnesses where good cause is shown to allow discovery to proceed. Order Granting Mot. to Stay Answer and Discovery, ECF No. 25. Pursuant to the Court's Order, Alexander's Answer and all discovery (subject to case-by-case exceptions) have already been stayed. Accordingly, the Court DENIES as moot Alexander's motion to stay.

Alexander is directed to cooperate with the other parties in filing a declaration regarding discovery from third-party investor witnesses, as required by the Court's Order of December 22, 2010.

IT IS SO ORDERED.

Dated: December 29, 2010



LUCY H. KOH
United States District Judge

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